

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE: 3443 ZEN GARDEN, L.P. DEBTOR.	§ § § § §	CASE NO. 1:20-10410-HCM Chapter 11
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NOTICE OF AMENDED BUDGET

Gregory S. Milligan, Chapter 11 Trustee (the “Trustee”) of the bankruptcy estate (the “Estate”) of 3443 Zen Garden L.P. (the “Debtor”) hereby files this Notice of Amended Budget.

PLEASE TAKE NOTICE THAT the Court entered its *Amended Final Order Granting Chapter 11 Trustee’s Motion to Obtain Secured Credit on an Interim and Final Basis* (ECF No. 144, the “Final Financing Order”).

PLEASE TAKE FURTHER NOTICE THAT attached to the Final Financing Order is the original approved final budget (the “Original Final Budget”) that governs the Estate’s use of funds under the credit facility (the “Credit Facility”) provided to the Estate by Romspen Mortgage Limited Partnership (the “Lender”).

PLEASE TAKE FURTHER NOTICE THAT in accordance with paragraph 6(b) of the Final Financing Order, the Trustee, upon reasonable consultation with the Lender, may amend the Original Final Budget by filing a proposed amended budget (the “Amended Budget”). A copy of the Amended Budget is attached hereto.

PLEASE TAKE FURTHER NOTICE THAT any party with standing shall have until **5:00 p.m. (prevailing central time) on Wednesday, September 23, 2020** to file a written objection to any portion of the Amended Budget with a corresponding motion and uploaded proposed order requesting an expedited hearing on the objection in conformance with Local Rule 9014(e) and Judge Mott’s special procedures regarding expedited hearings,¹ and such objection shall be resolved, whether by agreement or order of the Court, subject to the Court’s availability, within four (4) days after the filing of the Amended Budget.

PLEASE TAKE FURTHER NOTICE THAT absent any timely objection, the Amended Budget shall be effective and become the “Budget” as that term is used in the Final Financing Order.

¹ Available at <https://www.txwb.uscourts.gov/procedures-judge-h-christopher-mott#motion-expedite>

Dated: September 21, 2020

/s/ Jason M. Rudd

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**COUNSEL FOR GREGORY S. MILLIGAN,
CH. 11 TRUSTEE FOR 3443 ZEN GARDEN, L.P.**

CERTIFICATE OF SERVICE

I certify that on September 21, 2020, a true and correct copy of the forgoing was served on the following parties at the indicated email addresses:

Christopher G Burwell on behalf of Creditor Wembley Metal Buildings, LLC
cburwell@baileyandbaileypc.com

Martyn B. Hill on behalf of Creditor Lone Star Materials, Inc.
mbh@pdhlaw.com, eservice@pdhlaw.com; mah@pdhlaw.com; sserry@pdhlaw.com

B. Russell Horton on behalf of Debtor 3443 Zen Garden, LP and Creditor Panache Development & Construction, Inc.
rhorton@gbkh.com, kseabolt@gbkh.com

Paul H. Jordan on behalf of Creditors Texas Air, LLC, Hill Country Electric Supply, L.P., Koetter Fire Protection of Austin, LLC
pjordan@sneedvine.com, gtwnfilings@sneedvine.com

Tara LeDay on behalf of Creditor The County of Hays, Texas
tleday@ecf.courtdrive.com; kmorriss@mvalaw.com; vcovington@mvalaw.com; bankruptcy@mvalaw.com; alocklin@mvalaw.com

Kell C. Mercer on behalf of Petitioning Creditor ACM Services LLC, Petitioning Creditor Austin Glass & Mirror, Inc., Creditor Lyle America, Inc. d/b/a Glass.com of Illinois, Creditor Hill Country Electric Supply, L.P., Creditor Koetter Fire Protection of Austin, LLC, Creditor Capital Industries, LLC, Creditor Texas Air, LLC,
kell.mercer@mercerc-law-pc.com

Lisa M. Norman on behalf of Creditor American Builders and Contractors Supply Co., Inc. d/b/a ABC Supply Co., Inc.

lnorman@andrewsmyers.com, kdubose@andrewsmyers.com

Danielle Nicole Rushing on behalf of Int. Party Lincoln 1861, Inc., Dan White & Daniel White

drushing@dykema.com, lvasquez@dykema.com; docketsat@dykema.com.

Thomas C. Scannell on behalf of Creditor and Int. Party Romspen Mortgage Limited Partnership

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Jason A. Starks on behalf of Creditor Travis County

bkecf@traviscountytexas.gov

Jeffrey M. Tillotson on behalf of Creditor Dan White

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United States Trustee - AU12

ustpreion07.au.ecf@usdoj.gov

Richard James Wallace, III on behalf of Creditor Equipmentsshare.com, Inc.

richard.wallace@solidcounsel.com

Stephanie L O'Rourke on behalf of Creditor Capital Pumping, LP

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Deborah D. Williamson on behalf of Creditor Dan White Family Trust and Dan White

dwilliamson@dykema.com, mlongoria@dykema.com; docketsat@dykema.com

Robert L. Barrows on behalf of Creditor H&H Crane Services, Inc. dba Texas Crane Service

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Misti Lachelle Beanland on behalf of Creditor & Plaintiff Ferguson Enterprises, LLC

beanland@mssattorneys.com

Annmarie Antoniette Chiarello on behalf of Interested Party Rob Roy Parnell, the Receiver

achiarello@winstead.com, dgalindo@winstead.com

Bruce J Duke on behalf of Plaintiffs & Interested Parties Absolute Energy Resources, Inc., Absolute Environmental Waste Management, Inc., Dan White Family Trust, Eco Industrial Business Park Inc., Lincoln 1861, Inc., Lot 11 GP Ltd., Lot 11 Limited Partnership, Symmetry Asset Management, Inc., and Daniel White

brucedukeesq@gmail.com, brucedukeesq@gmail.com

Barbara Lee Emerson on behalf of Creditor Schindler Elevator Corporation

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/s/ Jason M. Rudd

3443 Zen Garden LP

Final Postpetition Budget - October Update

		OCTOBER				
Week Ending:		2-Oct	9-Oct	16-Oct	23-Oct	30-Oct
Beginning Cash Balance		\$ -	\$ (323,381)	\$ (451,191)	\$ (692,574)	\$ (770,801)
<u>RECEIPTS</u>						
Total Cash Receipts						
<u>DISBURSEMENTS</u>						
<u>Utilities</u>						
City of Austin	Service Provided					
Waste Connection	Electric/Water/Drainage			18,000		18,000
Texas Gas	Waste Removal	1,600				1,600
Spectrum	Gas			150		150
AT&T	Internet	360				360
	Telephone lines in Elevators	144				144
Total Utilities		2,104	-	18,150	-	20,254
<u>Security & Maintenance</u>						
IPSA	Service Provided					
ProVigil	Patrol Security	4,500	4,500	4,500	4,500	10,000
Simpli-Safe	Camera Security	1,804				1,804
Austin Porta Potty	Entry Alarm		27		27	
Koetter Fire Alarm Protection Monitoring	Portable Toilets		750			
The Bug Master	Firm Alarm Monitoring					
Panache Development	Pest Control					400
Panache Development	Campus Maintenance	2,500	2,500	2,500	2,500	2,500
Panache Development	Lawn Maintenance	2,700	2,700	2,700	2,700	2,700
Panache Development	Security Gates / Material Reloc	800	800	800	800	800
Environmental Services		3,200				
Emergency Repairs		10,000		10,000		
Total Security & Maintenance		25,504	11,277	20,500	10,527	18,204
<u>Insurance</u>						
Property Insurance - with Builder's Risk						
Panache Development - Reimb for project-specific coverage		42,165				
Total Insurance		42,165	-	-	-	-
<u>Other Preservation Disbursements</u>						
Structures, Inc	Structural Engineer (incl Design	4,200	21,700	4,200	4,200	4,200
GSC Architects	Architect	5,000	5,000	5,000	5,000	5,000
Doucet Engineering	Design - Civil					
ECS Southwest	Design - Soil Engineer	18,275				
Blu Fish Collaborative	Design - Landscape					
Mint Engineering	MEP Engineer					
Panache Development	Painting of steel	17,500	17,500	17,500	17,500	17,500
ACM Services	Maintenance of Campus Power Plant					
Foundation Remediation / Repair	Foundation Repair	49,000				
French Drains	French Drains					
Roof Leak Repair in Central Plant	Repair leaking roof in CP	5,500				
Structural Steel Addition	Bracing for 4, 2nd and 3rd flrs	16,800				
Back Forty Clean Up	Clean up in back of property for	31,333	31,333	31,333		
Structural Framing	Structural framing - building J					
Sewer Lines	Replacing ruptured sewer line	24,000				
Equipment Rental	Equipment rental			3,200		
Partner Engineering and Science	Property Condition Assessment					
BK Environmental Services, Inc	Sampling Analysis					
Panache Employee Overhead	Employees & Benefits	19,500		19,500		19,500
Property Taxes						
Total Other Preservation		191,108	75,533	80,733	26,700	46,200
Total Preservation		260,881	86,810	119,383	37,227	84,658
<u>Legal / Regulatory</u>						
<u>PDA</u>						
Doucet Engineering	Civil Engineering - PDA			16,000		
McMinn Surveying		6,500				
Mike Wilson	Land Planner - PDA					
Total PDA		6,500	-	16,000	-	-
<u>TxDOT</u>						
Doucet Engineering	Civil Engineering - TxDOT			12,000		
ECS Southwest	Soil Engineering - TxDOT			23,000		
GeoTest	Drilling for Testing - TxDOT			2,500		
Spaceco	Hydrology - TxDOT			15,000		
Blu Fish Collaborative	Landscape Architect - TxDOT			8,000		
McMinn Surveying	Survey - TxDOT			4,500		
Total TxDOT		-	-	65,000	-	-
Total Legal / Regulatory		6,500	-	81,000	-	-
<u>Bankruptcy Carve-Outs</u>						
Chapter 11 Trustee Fees (a)		11,000	11,000	11,000	11,000	11,000
Wick Phillips (a)	Proposed Chap. 11 Trustee Cc	25,000	25,000	25,000	25,000	30,000
Harney Partners (a)	Proposed Chap. 11 Trustee FA	5,000	5,000	5,000	5,000	5,000
Sprouse Shrader Smith PLLC (a)	Special Counsel - PDA	15,000				15,000
Foran, O'Toole & Burke (c)	Special Counsel - TxDOT					
Fritz Byrne, Head & Gilstrap PLLC (a)	Special Counsel - TxDOT					
Gindler, Chappell, Morrison & Co. PC	Tax Preparation					
DIP Lender Post-Petition Professional Fees & Expenses						
Petitioning Creditors 503(b)(3)(A),(E) and (4) Claim (a)						
Trustee Investigation Carve-Out (a)						
Trustee Default Carve-Out (a)						
Receiver's Fees/Expenses						
United States Trustee Fees						15,000
Total Bankruptcy		56,000	41,000	41,000	41,000	76,000
Net Cash Flow		(323,381)	(127,810)	(241,383)	(78,227)	(160,658)
Ending Cash Balance		\$ (323,381)	\$ (451,191)	\$ (692,574)	\$ (770,801)	\$ (931,459)

NOTES:

(a) to be paid into Professional Fee Escrow account